

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-28 remain pending.

Applicant notes with appreciation the indication in paragraph 6 of the Office Action that claims 22-24 and 27 are allowed. Applicant also notes with appreciation the indication in paragraph 7 of the Office Action that claims 3-7, 9 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in the manner described in that paragraph.

In the second paragraph of the Office Action claims 1, 3, 12-17, 19, 21 and 23 are objected to for minor informalities. Claims 1, 12-17, 19, 21 and 23 have been amended the manner suggested in the Office Action. With respect to the suggestion that in claim 3, line 7 "an" should be changed to --the--, Applicant respectfully disagrees. The present application at page 14, lines 4-7, describes that addresses for packets to a slave unit may "preferable contain the same address." Accordingly, claim 3 has been amended to replace "a" with --another-- and new claim 28 recites that the address and the another address are the same address.

With respect to the objection to the language "configured to" in claims 12-17, 19, 21 and 23, Applicant respectfully traverses this objection, but has amended these claims in order to expedite prosecution. It is respectfully submitted that the amendment to these claims does not further limit these claims.

With regard to the objection to claims 14 and 19 for alleged lack of antecedent basis, Applicant notes that the antecedent basis for the terms in the body of these claims can

be found in the preamble of these claims. Accordingly, Applicant has not amended these claims in the manner suggested in the Office Action for the lack of antecedent basis. For at least those reasons stated above, withdrawal of the objection to these claims is respectfully requested.

In the third paragraph of the Office Action claim 8 is rejected under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. This rejection is respectfully traversed.

Claim 8 has been amended to recite "communicating a second data packet on a first one of a set of time slots associated with the second synchronous communication link." It is respectfully submitted that the recitation of "a set of time slots associated with the second synchronous communication link" makes clear that this set of time slots is a different set of time slots from the "time slots associated with the synchronous communication link from the first communication unit to the second communication unit" recited in claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

In the fifth paragraph of the Office Action claims 1, 2, 8, 10-13, 19-21, 25 and 26 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,483,524 to *Lev et al.* ("Lev"). This ground of rejection is respectfully traversed.

Claim 1 is not anticipated by *Lev* because *Lev* does not disclose all of the elements of claim 1. Specifically, *Lev* does not disclose the step of "communicating a first data packet on a first one of the set of time slots associated with the synchronous communication

link from the first communication unit to the second communication unit by including an address associated with the second communication unit in the first data packet."

Lev discloses a method for transmitting data packets via a circuit-switched channel. As discussed by *Lev* in connection with Figure 4, while the data packets are in the data packet network the data packets contain a first target destination identifier. When the data packets are received by the network interfacers 305 from the data packet network, the network interfacers 305 request controller 307 to establish a circuit-switched channel with the data-capable terminal 327. (*Lev* at column 4, lines 51-55). The data packets are then transmitted over the circuit-switched channel without target destination identifiers. (FIG. 4, Step 407 of *Lev* and *Lev* at column 5, lines 20-25). Accordingly, it is clear that *Lev* does not disclose employing an address associated with the data-capable terminal 327 in the first data packet over the circuit-switched channel 320 of *Lev*. Hence, *Lev* cannot disclose "communicating a first data packet on a first one of the set of time slots associated with the synchronous communication link from the first communication unit to the second communication unit by including an address associated with the second communication unit in the first data packet."

It appears that the Office Action is confusing the communications which occur in the data packet network of *Lev* with the communications which occur on the circuit-switched connections of *Lev*. For example, the Office Action relies upon the circuit-switched communication channel discussed in column 5, lines 1-24 of *Lev* as anticipating the synchronous communication link of Applicants' claim 1, while relying upon communications in the data packet network of *Lev* as anticipating the communicating step

of Applicants' claim 1. However, *Lev* at column 5, lines 20-24 makes clear that "[s]ince the target destination is now uniquely determined by the circuit -switched channel, the first and second target destination identifiers are not transmitted with the data packets." Hence, *Lev* does not disclose "communicating a first data packet on a first one of the set of time slots associated with the synchronous communication link from the first communication unit to the second communication unit by including an address associated with the second communication unit in the first data packet" as recited in Applicants' claim 1.

Claims 2, 8, 10 and 25 depend from claim 1, and are, therefore, not anticipated by *Lev* for at least those reasons discussed above with regard to claim 1. Claim 12 recites a communication system with similar elements to those discussed above with regard to claim 1, and hence, is not anticipated by *Lev* for similar reasons to those discussed above with regard to claim 1. Claims 13, 19-21 and 26 variously depend from claim 12, and are, therefore, not anticipated by *Lev* for at least those reasons stated above with regard to claim 12.

For at least those reasons stated above it is respectfully requested that the rejection of claims 1, 2, 8,10-13, 19-21, 25 and 26 as allegedly being anticipated by *Lev* be withdrawn.

New claim 28 is patentably distinguishable over the rejections of record at least by virtue of its dependency upon allowable claim 3.

Attorney's Docket No. 040070-438
Application No. 09/348,495
Page 16

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 11, 2003

By: 

Stephen W. Palan
Registration No. 43,420

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620